

# Order

Michigan Supreme Court  
Lansing, Michigan

January 24, 2007

Clifford W. Taylor,  
Chief Justice

132511

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 132511  
COA: 272762  
Wayne CC: 05-005351-01

RUEBEN DEJESUS,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the October 24, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE that portion of the sentence of the Wayne Circuit Court that ordered defendant to pay attorney fees and we REMAND this case to the trial court for a decision on attorney fees that considers defendant's ability to pay now and in the future. See *People v Dunbar*, 264 Mich App 240 (2004), *lv den* 473 Mich 881 (2005). At the trial court's discretion, the decision may be made based on the record without the need for a formal evidentiary hearing. If the court decides to order defendant to pay attorney fees, it shall do so in a separate order. *Id.* On remand, defendant may file a motion in the trial court to modify the judgment of sentence as to the amount of credit for time served. In all other respects, the application for leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 24, 2007

*Corbin R. Davis*

Clerk